



Jackson County Oregon

Development Services
10 South Oakdale Avenue, Room 100, Medford, OR 97501-2902

NOTICE OF TENTATIVE STAFF DECISION ON APPLICATION FOR A LAND USE PERMIT (FILE NO. 439-22-01690-ZON)

Dear Jackson County Property Owner:

On December 28, 2022, Jackson County Development Services approved with conditions, an application for a land use permit on the following described property: Township 36 South, Range 4 West, Section 20D, Tax Lot 2700, located at 2827 Rogue River Highway, Grants Pass OR. The Department's decision (File No. 439-22-01690-ZON) tentatively approves the following use(s) on the above-described property:

A Forest Template Dwelling on a 4.86 acre parcel zoned Woodland Resource.

The following approval criteria were applied in rendering this decision: Sections 3.1.3, 4.3.4, 4.3.6(B), 4.3.12, 8.7, 9.5.5 and 10.2 of the 2004 Jackson County Land Development Ordinance. You have the right to appeal this tentative Departmental decision. If appealed, the County's final decision will be made by the hearings body following a public hearing on the matter.

If you wish to appeal this decision, your written request, ***in conformance with and pursuant to Land Development Ordinance Section 2.7.5(D)(2)(c)***, must be received by the Department at the address listed below no later than January 9, 2023 @ 4 PM, and you must pay an appeal fee of \$250.00. If you prevail at the appeal hearing or upon a subsequent appeal, the initial hearing fee will be refunded to you.

This notice is dated December 28, 2022. The application, staff report, applicable criteria for decision and associated materials are available for inspection at the Department. Copies can be obtained at reasonable cost if requested. Additional information is available by contacting **Tracie Nickel** (Phone: 774-6951) at the Department, or at this address:

**Development Services
Jackson County Courthouse
10 South Oakdale Avenue, Rm 100
Medford Oregon 97501-2902**

Jackson County residents outside the Medford toll free area can call 1-800-452-5021 and enter the following 4-digit extension: 6951.

Attachments:
Zoning Map
Plot Plan
Conditions of Approval (pg. 7 – 9)
cc: Owner/Applicant, Agent, DLCDC (w/ complete staff report)



**JACKSON COUNTY
DEVELOPMENT SERVICES**

TYPE 2 LAND USE DECISION

**FOREST TEMPLATE DWELLING
STAFF REPORT**

**DEVELOPMENT
SERVICES**

**Tracie Nickel, CFM
Planner III**

10 South Oakdale Ave.
Medford, OR 97501
Phone: (541) 774-6951
Fax: (541) 774-6791
nickelt@jacksoncounty.org

OWNER: Jessica Couris
P. O. Box 172
Selma, OR 97538

FILE: 439-22-01690-ZON

AGENT: Richard Stevens and Associates
P. O. Box 4368
Medford, OR 97501

MAP DESCRIPTION:

TWP: 36S RANGE: 4W SECTION: 20D TAX LOT(s): 2700

LOCATION: 7827 Rogue River Highway

NATURE OF APPLICATION: A permit to request approval to place a forest template dwelling and associated accessory structures (e.g., detached garage, shop for personal storage) on the subject parcel in the Woodland Resource Zone.

STAFF DECISION: Approval with conditions.

I. BACKGROUND INFORMATION

- A. **Lot Size:** 4.86 acres.
- B. **Zoning:** Woodland Resource (WR).
- C. **Fire Protection:** Fire District #1.
- D. **Access:** Rogue River Highway, an ODOT facility. Legal access to the subject property over the existing accessway is provided by a recorded easement O. R. 81-02156.
- E. **Areas of Special Concern:** None.
- F. **Overlays:** Wildfire Hazard.
- G. **Previous Land Use Actions:** None.
- H. **Current Land Use:** Vacant

- I. **Lawful Lot Creation:** The subject property was lawfully created in 1962, prior to zoning, by a recorded warranty deed at Volume 539, Page 304 Tract A, and lawfully reconfigured to its current configuration by an approved 1979 Minor Partition via File Number 439-79-148-MP, which was completed with the recording of a warranty deed at OR81-02156 Tract A.

II. KEY ISSUES

- A. Section 4.3.6 (B) Forest Template Dwelling.
- B. Section 4.3.12 Siting Standards for Dwellings and Structures.

III. APPLICABLE CRITERIA

To approve this application, the County must determine that the application is in conformance with Sections 3.1.3, 4.3.4, 4.3.6(B), 4.3.12, 8.7, 9.5.5 and 10.2 of the Jackson County Land Development Ordinance.

IV. FINDINGS OF CONFORMANCE WITH THE LAND DEVELOPMENT ORDINANCE

All standards and criteria identified from the Land Development Ordinance (LDO) as being applicable to this request have been reviewed by staff. The following findings reflect only the criteria and standards considered relevant to the issues identified in Section I of this report. Conditions required as part of any approval, are based upon review of the LDO (*Standards and Criteria listed in Section II*) and the findings established in the following sections.

- 1) **Section 3.1.3** states: *A site development plan may be required pursuant to Section 3.2.4. If a site development plan is required, it shall comply with Section 3.2 and all other applicable provisions of this Ordinance.*

FINDING/CONCLUSION: The proposal is for a Forest Template Dwelling in a Woodland Resource zoning district. Section 3.2.2 of the Site Development Plan criteria states that site plan review does not apply to single family residential development projects. A Forest Template Dwelling is considered a single family residential development project, and therefore Section 3.2.2 does not apply to this project.

- 2) **Section 4.3.4** of the LDO establishes the general review criteria in Forest Resource zones:

FINDING/CONCLUSION: Staff accepts the Applicant's findings. The general approval criteria are met. A condition of approval will require the dwelling and structures accessory to the residence to be located within the building envelope as shown on the Applicant's plot plan.

- 3) **Section 4.3.6(B) Forest Template Dwelling** [ORS 215.750(1) and (3)-(6); OAR 660-006-0027(1)(f)(h) -(i), and (2)-(5)]

Dwellings, as referenced in this section, must meet the standards listed in Section 4.3.6(A)(1). A forest template dwelling may be allowed if it complies with all of the following requirements. Lots or parcels within urban growth boundaries shall not be used

to satisfy the eligibility requirements under this Section.

- 1) The tract on which the dwelling will be sited does not include a dwelling (as defined in Section 4.3.6(A)(1));

FINDING/CONCLUSION: The subject parcel is vacant. This criterion is met.

- 2) The lot or parcel on which the dwelling will be sited is predominantly composed of soils that are:
 - a) Capable of producing 0 to 49 cubic feet per acre per year of wood fiber and all or part of at least three (3) other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three (3) dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels;
 - b) Capable of producing 50 to 85 cubic feet per acre per year of wood fiber and all or part of at least seven (7) other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three (3) dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels; or,
 - c) Capable of producing more than 85 cubic feet per acre per year of wood fiber and all or part of at least 11 other lots or parcels that existed on January 1, 1993, are within a 160-acre square centered on the center of the subject tract; and at least three (3) dwellings existed on January 1, 1993, and continue to exist on the other lots or parcels.

FINDING: The subject property is comprised of Caris-offenbacher gravelly loams (25G) and Vannoy silt loam (195E) soils. These soils are identified as having a productivity rating that exceeds 85 cubic feet/acre/year of merchantable tree species; therefore, at least 11 legal lots or parcels and three legal dwellings that were established prior to January 1, 1993 are required. Parcels and dwellings within an urban growth boundary were not counted to satisfy the above eligibility requirements.

The lots and dwellings include:

Legal Description	Creation Date or Instrument	Existing Dwelling?	Construction Date
36-4W-20D-2900	V227, P563 (1946)	Y	1947
36-4W-20D-3200	V519, P227 (1960)	Y	1944
36-4W-20D-3600	OR73-01576 (1973)	Y	1958
36-4W-20D-3700	V285, P420 (1947)	Y	1968
36-4W-20D-3901	CS #5214 (1973)	Y	1946
36-4W-20D-4400	V287, P469 (1947)	Y	1949
36-4W-20D-4700	OR70-10442 (1970)	Y	1996
36-4W-20D-4701	OR70-10442 (1970)	N/A	N/A
36-4W-20D-4900	OR68-00589 (1968)	Y	1963

36-4W-21-2005	OR73-13650 (1973)	Y	1976
36-4W-21-2100	OR70-04364 (1963)	Y	1965
36-4W-21-2200	OR66-10908 (1966)	Y	N/A

CONCLUSION: Eleven lawfully established lots and three dwellings have lawfully existed on adjacent lots prior to January 1, 1993. This requirement is met.

- 3) *If the tract on which the dwelling will be sited abuts a road that existed on January 1, 1993, the measurement required by subsection (2) above may be made by using a 160-acre rectangle that is one mile long and one-fourth mile wide centered on the subject tract and that is to the maximum extent possible, aligned with the road;*

FINDING/CONCLUSION: The subject property does not abut a road. This requirement is not applicable.

- 4) *If the tract on which the dwelling will be sited is 60 acres or larger and abuts a road or/perennial stream, the measurement required by subsection (2) above shall be made by using a rectangle in accordance with subsection (3) above. However, one (1) of the three (3) required dwellings shall be on the same side of the road or stream as the tract, and:*

- a) Be located within the 160-acre rectangle; or
b) Be within one-quarter (¼) mile from the edge of the subject tract but not outside the length of the 160-acre rectangle, and on the same side of the road or stream as the tract.*

FINDING/CONCLUSION: The parcel is 4.86 acres in size and does not abut a road. This requirement is not applicable.

- 5) *If a road crosses the tract on which the dwelling will be sited, at least one (1) of the three (3) required dwellings shall be on the same side of the road as the proposed dwelling;*

FINDING/CONCLUSION: The parcel is not crossed by a road. This requirement is not applicable.

- 6) *The proposed dwelling is not prohibited by, and complies with, applicable provisions of the Comprehensive Plan, this Ordinance, and other applicable provisions of law. Where the Comprehensive Plan or this Ordinance require a dwelling be located in a 160-acre square or rectangle, a dwelling is in the 160-acre square or rectangle if any part of the dwelling is in the square or rectangle; and*

FINDING/CONCLUSION: The proposed dwelling is a permitted use in the Forest Zone per LDO Table 4.3-1. Where the siting standards of LDO Sections 8.2, 8.5, 8.7, and 9.5.5 are met this requirement is also met.

- 7) *No dwellings will be allowed on other lots or parcels that make up the tract. Irrevocable deed restrictions precluding all future rights to construct a dwelling on the lots or parcels that make up the tract or to use the tract to total acreage for future siting of dwellings for present and any future owners unless the tract is no*

longer subject to protection under the goals for agricultural lands or forest lands shall be recorded with the deed for each lot and parcel.

FINDING/CONCLUSION: Neither abutting property is in the Applicant's ownership. The deed restriction is not required.

- 4) **Section 4.3.12** of the LDO establishes the following siting standards for dwellings and structures in the Woodland Resource zoning district.

- A) *Dwellings and structures shall be sited on the parcel so that:*
- 1) *They have the least impact on nearby or adjoining forest or agricultural lands;*
 - 2) *Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;*
 - 3) *The amount of forest lands used to site access roads, service corridors, dwellings and structures is minimized; and,*
 - 4) *The risks associated with wildfire are minimized.*

FINDING/CONCLUSION: Staff accepts the Applicant's findings. Conditions of approval are required to assure that the standards of approval are met.

- B) *Conditions of approval satisfying this Section may include setbacks from adjoining properties, clustering near or among existing structures, siting close to existing roads, and siting on that portion of the parcel least suited for growing trees.*

FINDING/CONCLUSION: Staff accepts the Applicant's findings. Conditions of approval are required to assure that the standards of approval are met.

- C) *A dwelling shall not be sited on a slope of greater than 40 percent.*

FINDING/CONCLUSION: Staff accepts the Applicant's findings. This standard is met.

- D) *Dwellings and structures shall meet the fire safety requirements and guidelines outlined in Chapter 8.*

FINDING/CONCLUSION: Staff accepts the Applicant's findings. Conditions of approval are required to assure that the standards of approval are met.

- E) *The applicant must provide evidence of an adequate domestic water supply. If the domestic water supply is not provided by an existing municipal or quasi-municipal water purveyor, and the water appropriation or distribution system is located on or crosses property that is not owned by the applicant, the applicant must provide evidence of legal authorization to occupy properties of affected owners. For the purposes of this subsection, evidence of an adequate domestic water supply may include:*

- 1) *A new water right or transfer of an existing water right granted by the Oregon Water Resources Department (OWRD) sufficient for*

- the use described in the application, or if the OWRD application process is not complete, evidence that the applicant has filed any required application with OWRD and that it is feasible for the applicant to secure the required water right or transfer, in which case the County approval shall be conditioned to require successful completion of the water right or transfer process;*
- 2) *Evidence that the proposed water use is from a well and meets the definition of exempt groundwater uses under ORS 537.545, in which case the applicant shall submit a copy of the Water Well Report that describes the construction of the well; and/or*
 - 3) *Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's right to appropriate water.*

FINDING/CONCLUSION: Staff accepts the Applicant's findings There is no well currently present on the subject property; however, the applicant has demonstrated that several nearby properties are developed with wells. As a condition of approval, the applicant agrees to install a well and provide evidence of its installation. This standard is met.

- F) *As a condition of approval, if the road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the U.S. Bureau of Land Management, or the U.S. Forest Service, then the applicant shall provide proof of a long-term road access use permit or agreement. The road use permit may require the applicant to agree to accept responsibility for road maintenance.*

FINDING/CONCLUSION: Access is from Rogue River, an ODOT facility via a recorded easement at O. R. 81-02156. This standard is met.

- G) *If the lot or parcel is more than 10 acres, a condition of approval for a dwelling will require the following:*
 - 1) *The owner of the tract shall plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules. The Planning Division shall notify the County Assessor of the above condition at the time the dwelling is approved.*
 - 2) *The property owner shall submit a Stocking Survey Report to the County Assessor. The Assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The Assessor shall inform the Department of Forestry in cases where the property owner has not submitted a Stocking Survey Report or where the survey report indicates that minimum stocking requirements have not been met.*
 - 3) *Upon notification by the Assessor, the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the Department of Forestry determines that the tract does not meet those requirements, they will notify the owner and the Assessor that the land is not being*

managed as forest land. The Assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372.

FINDING/CONCLUSION: Staff accepts the Applicant's findings. The subject parcel is 4.86 acres in size a stocking survey is not required.

H) *As a condition of approval for a dwelling, the following declaration shall be recorded in the manner and format provided by the County:*

"Declarant and declarant's heirs, legal representatives, assigns, and lessees, hereby acknowledge and agree to accept by the placement of this deed declaration, or the acceptance and recording of this instrument, that the property herein described is situated on or near farm and or forest land, and as such may be subject to common, customary, and accepted agricultural and forest practices, which ordinarily and necessarily may produce noise, dust, smoke, and other types of visual, odor, and noise pollution. This deed declaration binds the land owner and the land owner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937. Jackson County shall be a party to this declaration which cannot be removed or modified without written consent of the County."

FINDING/CONCLUSION: The applicant agrees to this requirement as a condition of approval. Prior to issuance of permits, a copy of the required recorded Deed Declaration shall be submitted.

V. CONCLUSION

The proposal has been found to be consistent with the Jackson County Comprehensive Plan and Land Development Ordinance.

VI. DECISION

File 439-22-01690-ZON, an application for a Type 2 land use decision to allow placement of a forest template dwelling and associated accessory structures on property described as Township 36 South, Range 4W, Section 20D, Tax Lot 2700, is hereby approved, subject to the following conditions:

- 1) ***Use/Location:*** The proposed dwelling and structures accessory to the residence shall be located within the building envelope as represented on the plot plan submitted with the application.
- 2) ***PTP – Revised Plot Plan:*** Prior to issuance of permits a revised plot plan shall be submitted identifying the location of the dwelling within the approved building envelope; location of address sign at the primary approach, both driveway approach locations, primary driveway location and driveway routes.
- 3) ***PTP – FRWR/OSR Deed Declaration:*** Prior to the issuance of permits, a Deed Declaration which acknowledges and accepts farm and forest activities on adjacent lands shall be recorded. The deed declaration must be signed in the presence of a notary public and taken to the County Clerk's Office for recording. After the Deed Declaration has been recorded, a copy must be returned to Development Services.

- 4) *PTBP Domestic Water Supply*: The applicant must provide evidence of an adequate domestic water supply.
- 5) *PTBP – Fire Safety Inspection (FSI)*: **Prior to issuance of building permits**, the Prospect Fire District must inspect the property to verify that the Wildfire Safety Standards of Section 8.7.1 are in place. A Fire Safety Inspection must be requested in person at the Planning Department when all requirements have been met. An information sheet with a complete checklist of all requirements is available from the Planning Department.

The following is a summary of the requirements that must be in place prior to the inspection request:

- A) A plot plan indicating the proposed structure(s) must be on record in the Planning Department.
- B) The proposed structure(s) must be staked out on the site.
- C) Address signs must be installed at the driveway entrance (visible from both directions) and at all forks in the drive, with directional arrows as needed.
- D) Driveway access to within 50 feet of all buildings must be constructed to support a gross vehicle weight of 50,000 pounds to accommodate heavy firefighting equipment. The driveway must terminate in an approved turnaround arrangement that meets the same load carrying capacity.
- E) **A 100-foot fuelbreak must be developed and maintained** or a Fuelbreak Reduction or Easement be approved around the proposed dwelling.
- F) Other measures as recommended by the fire agency commenting on the application or the County Fire Safety Inspector.

If Prospect Fire District staff is not able to make the inspection, then the applicant needs to hire an engineer or land surveyor to make a determination that the standards have been met. (LDO Section 8.7.1)

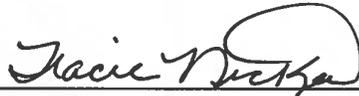
- 6) *FSI Fees*: The fire safety inspection fee must be paid when the inspection is requested unless a Fuelbreak Reduction is ordered and paid at the same time.
- 7) *FSI At the Time of Application for Building Permits*: Evidence must be provided to Planning demonstrating the proposed improvement will meet the following Fire Safety Standards as required by JCLDO Section 8.7.1:
 - A) **Roof Coverings**: All structures shall have Class A or B roofing according to Section 1504 of the State of Oregon Structural Specialty Code. This prohibits wood roofing of any type, including pressure treated wood shingle or shakes.
 - B) **Chimneys**: All chimneys for new dwellings, or other significant outbuildings, shall have a spark arrester. (LDO Section 8.7.1)

- 8) Plan Approval: All plans must be reviewed and approved by planning staff prior to authorization of permits.
- 9) Future Accessory Structures: Future accessory structures shall be located within the approved building envelope or additional review will be required.
- 10) Expiration: Pursuant to LDO Section 4.1.3 this approval is valid for four (4) years from the date of the final decision and will expire unless development has been initiated, as defined in LDO Section 13.3. This approval may be extended for an additional period not to exceed two years on request.

This decision is limited to the County's review of applicable zoning rules and land use law, as outlined in the Jackson County Comprehensive Plan, the Jackson County Land Development Ordinance, and the Oregon Administrative Rules and Oregon Revised Statutes relating to land use. Other County, State and Federal agencies may have regulatory review authority for development projects. The decision rendered herein neither implies nor guarantees compliance with the requirements of any other regulatory agency. It is the property owner's responsibility to ensure that the development complies with the requirements of any other regulatory agency or provisions of law prior to initiating development.

Notice of this decision is being sent to property owners in the vicinity of this property. They or the property owner have the right to appeal the decision within 12 days of the date this decision is mailed. This decision will be final on the 13th day, provided an appeal hearing has not been requested.

JACKSON COUNTY PLANNING DIVISION



By: Tracie Nickel
Planner III

Date: December 28, 2022

cc: Owner/Applicant, Agent
Assessment



Development Services

ZONING

APPLICANT:
COURIS
36-4W-20D TL 2700
439-22-01690-ZON

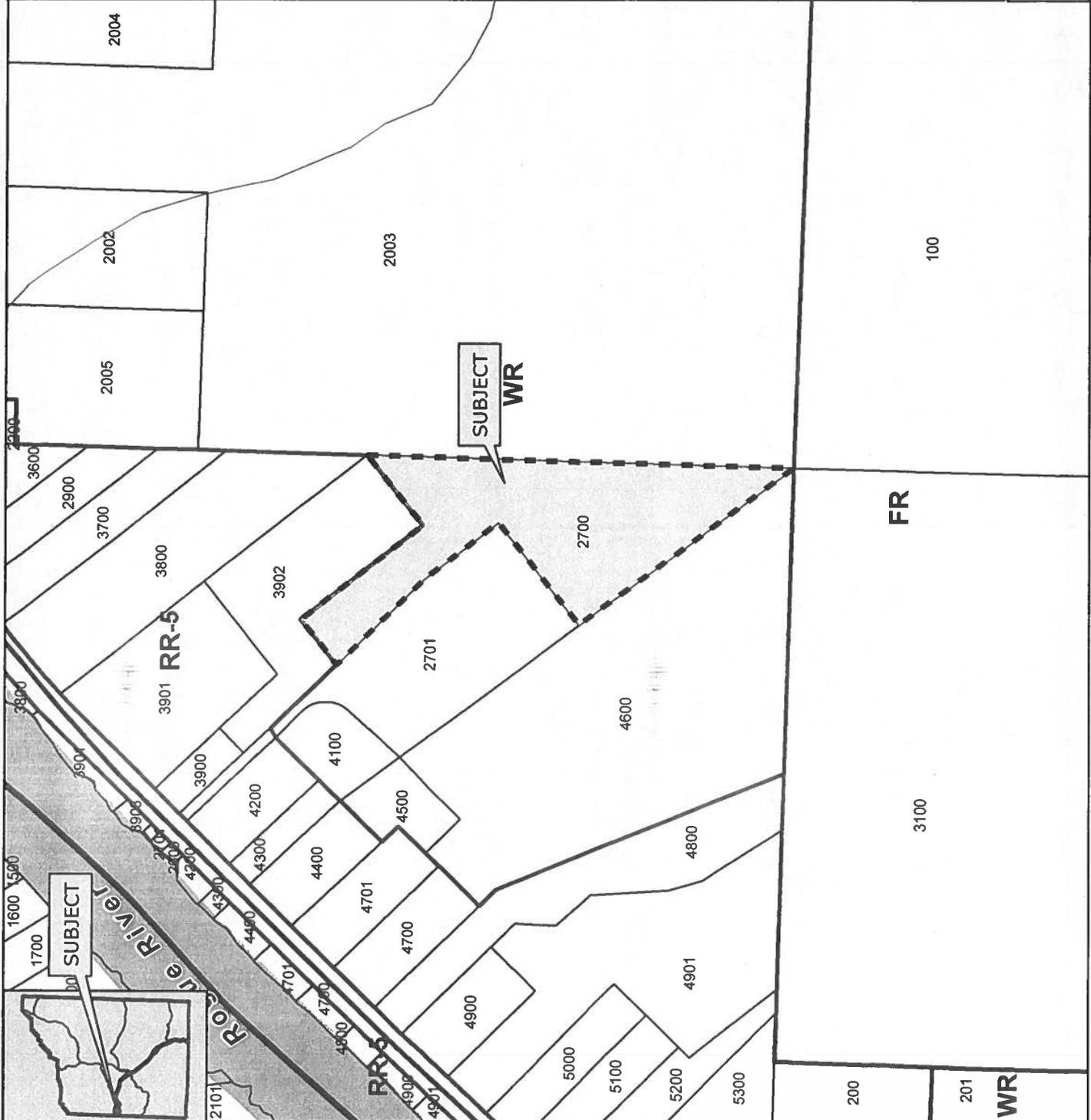
- Legend**
- County Zoning - Outline
 - Applegate, Rogue, Bear Creek Rivers and Major Streams
 - Named Streams
 - Minor Streams
 - Intermittent Streams
 - Underground Streams
 - Canals
 - Tunnels / Siphons
 - Rivers



1 inch = 300 feet

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File date: 09/20/2022, Planning Maps, Large



Site Plan

36-4W-20D TL 2700



Legend

- Subject Property
- Area Proposed for Structural Development
- Building Footprints
- 100 Year Determined BFE
- Floodway
- Paved
- Existing Accessway
- Proposed Driveway
- OR81-02156
- Driveways
- Approximate Septic Approval Area
- 10' Contours

0 100 200 Feet

1 inch = 200 feet

43A-22-01690-ZON 8/23/2022

SUBMITTED BY APPLICANT

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8/17/22



SITE PLAN
Revisions Required
Approved
Denied
By *[Signature]*
Date 12/28/2022
Jackson County/Development Services

Coordinates

36-4W-20D TL 2700



Legend

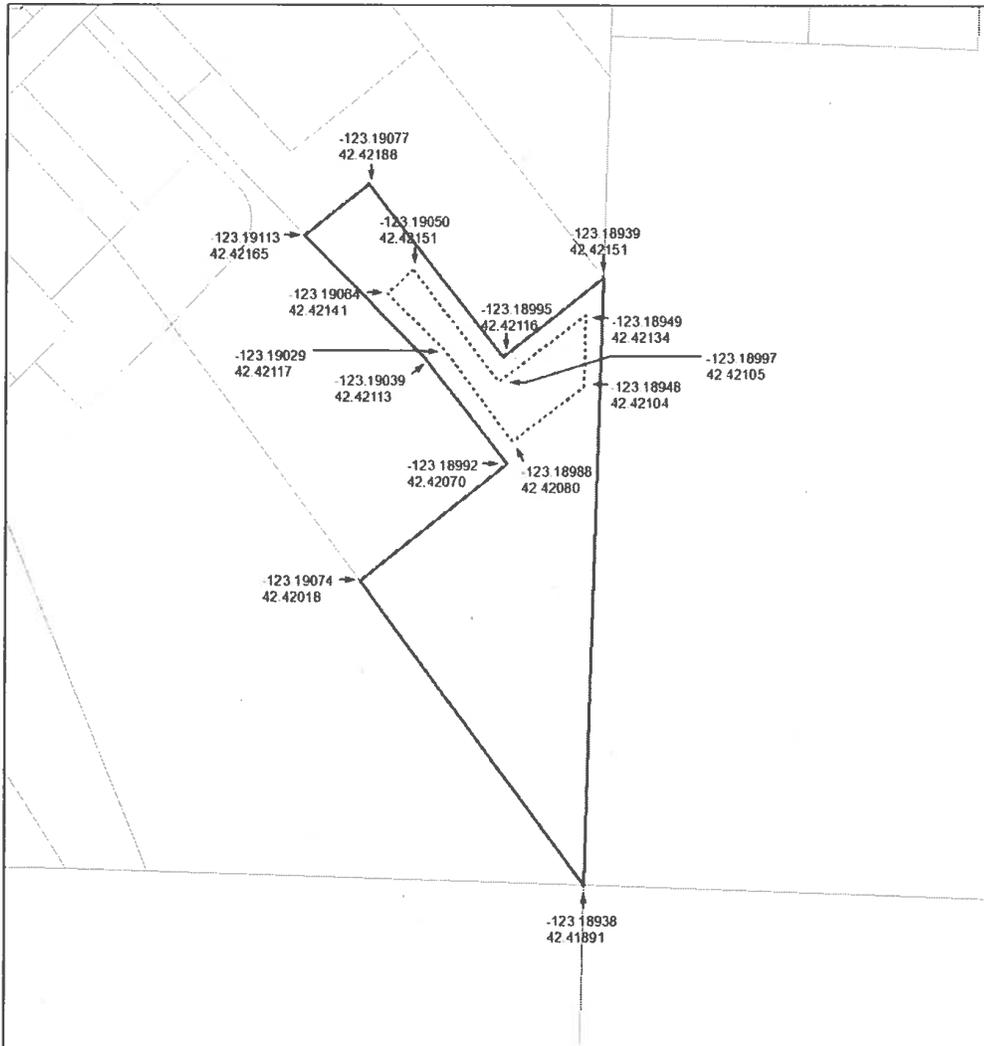
-  Subject Property
-  Proposed Homesite

0 100 200 Feet

1 inch = 200 feet



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7/1/22



Site Plan

36-4W-20D TL 2700



Legend

-  Subject Property
-  Proposed Homesite
-  Paved
-  OR81-02156
-  Existing Access
-  Proposed Driveway
-  10' Contours

0 100 200
Feet

1 inch = 200 feet



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7/1/22

